REMARKS

Claims 1 - 13 remain in this application. Claim 1, the sole independent claim, has been amended to more clearly point out applicant's invention. The following remarks use the same paragraph numbering as the Office Action.

1. Applicant acknowledges that the recitation of species following the generic term "metal oxides" does not limit the generic term.

2. Recitation of 35 U.S.C. 103 (a).

3. Claims 1-5, 7-11 and 13 were rejected as being obvious in view of Galligan et al. Published Application US 2004/0009106.

Claim 1 has been amended to clearly specify that the final object of the method is intended to be "free standing" as is the free standing mesh substrate and that the "continuous layer" is also "non-perforate." That is, the final free standing object has a surface without any perforations or holes.

Galligan et al. is directed to methods of forming catalytic structures intended to be contained within an external container and thus, the structures described by Galligan are not "free standing."

The dictionary definition of the adjective "free-standing" is:

"not attached to or supported by another structure."

See the attached Internet page from the URL http://www.askoxford.com as Exhibit A.

The term "free standing" as used in the patent art also clearly refers to an object intended in its final utility application to stand free of other objects. See, for example, the first page of US Patent 6,877,831 to Timmerman et al. which is directed to a free standing file cabinet. (See EXHIBIT B.) In addition, US Patent 6,871,742 to Paik is directed to a **free standing** holder, see EXHIBIT C1, and includes the term **free standing** in its claims, see EXHIBIT C2.

While Galligan et al. may well teach a continuous layer in that the applied layer encapsulates the mesh substrate to become present on the entire surface of the substrate, it is not "continuous and non-perforate" as required by Claim 1.

The Examiner suggests that Galligan et al. teaches a the step of "thermally spraying the free standing shaped mesh with a coating material to form ... a continuous and non-perforate layer,"relying on paragraphs [0061], [0074] and [0075] as well as FIG. 2H.

Applicant disagrees. Paragraph [0061] describes only the thermal spraying of a "open structure" but does not characterize the characteristics of the final product. Paragraph [0074] relates only to the characteristics of the "open substrate" and not to the coating process. Paragraph [0075] describing FIGs. 2H and 2I, in which a perforated or non-perforated tube can be thermally sprayed to form a still perforated or non perforated tube, as clearly seen in FIG. 2H.

The Examiner relies on Galligan et al. as rendering applicant's claim 1 obvious in view of no more than the reference itself. Without a secondary reference, it clearly not obvious to extend the teaching in Galligan et al. to suggest the method of applicant's claim 1. The examiner's reliance on applicant's claim in order to provide the suggest of modifying the prior art is not permissible. The argument is nothing more that suggesting that one of ordinary skill in the art would assume the one could utilize a catalytic element of an exhaust system as a "free standing" object, regardless of whether or not the coating was continuous and non-perforate or not.

Applicants request reconsideration of the rejection of claim 1.

The rejection of the remaining claims 2-5, 7-11, and 13 stand or fall on the patentability of claim 1.

The Examiner acknowledges that Galligan does **not** teach the step of coating of a substrate where the "coating substantially covers all of the exposed surface of the substrate to form a substantially continuous layer." Yet this feature is that which the Examiner suggests is obvious in view of the prior art. For anyone utilizing the teaching of Galligan et al. to consider **reducing** the surface area of a catalytic converter is beyond the traditional teaching of an open pore catalytic conversion technology.

The remainder of the rejection of dependent claims 2-5, 7-11 and 13 will stand or fall on the patentability of claim 1 and need not be addressed further.

4. The Examiner has rejected claim 1 as obvious in view of DE 195 20 146. The Examiner indicates that the reference teaches all of the features of Claim 1 "except that the coating substantially covers all of the exposed surface of the substrate to form a substantially continuous layer" and further that the reference teaches to "apply the layer to a mesh body to reduce the apertures of the body to the required size." Applicant notes that the reference does not teach or suggest that the size of apertures can be reduced to zero, thus providing no apertures at all as would be required by applicant's "non-perforate" layer.

The reference is related to providing "porous components" and clearly can not be considered as teaching the transformation of a porous component into a non-porous component. Reduction of an aperture to a "required size" does not include a size of **zero.**

With out additional teaching or suggestion, DE 19520146C cannot render applicant's claim 1 obvious.

Applicant requests reconsideration of the rejection of claim 1.

5. Claims 6 and 12 were rejected as being obvious over Galligan et al. in view of Matsen et al. US 6,566,635. Applicant's 6 and 12, both dependent on claim 1, require "forming a mesh substrate into a three-dimensional free standing object... ." Matsen, while utilizing a mesh substrate forms a mesh structure which is physically attached and in conformity to a predetermined model, thermally sprayed and the removed from the model (column 7, lines 29 - 37.. No where in the reference is there a teaching of "forming an open mesh substrate into a three-dimensional free standing object." On the contrary, there is only the teaching of forming objects based on traditional adaptive molding technique.

In view of applicant's above assertion of the patentability of Claim 1, claims 6 and 12 are also patentable.

The Examiner cites no teaching that provides any motivation to one skilled in the art, that would suggest combining the teaching of Galligan et al. and Matsen et al. in such a way that would teach applicant's claimed invention.

In view of the above, it is respectfully submitted that all of the claims are clearly patentable over the prior art and reconsideration of the rejection is requested.

Respectfully submitted,
for Eric Bauer

by _____
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EXHIBIT A

Search results

free-standing

• **adjective** not attached to or supported by another structure.

Perform another search of the Compact Oxford English Dictionary

- Ask The Experts
- Better Writing
- World of Words
- Games
- Global English
- Foreign Languages

LINKS

→ Language Links
→ OUP.com
→ OED Online
→ Oxford Reference Online
→ ELT magazine

BAUER01

EXHIBIT B

US006877831B2

(12) **United States Patent**
Timmerman et al.

(10) **Patent No.: US 6,877,831 B2**
(45) **Date of Patent: Apr. 12, 2005**

(54) **HOUSING FOR FREE-STANDING FILE CABINET**

(75) Inventors: **David H. Timmerman, Nunica, MI (US); Joanna C. De Weerd, Fennville, MI (US); Chad Potinsky, Holland, MI (US); William L. Clear, Holland, MI (US); Eric Hill, Paw Paw, MI (US)**

(73) Assignee: **Haworth, Inc., Holland, MI (US)**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 2 days.

(21) Appl. No.: **10/328,736**

(22) Filed: **Dec. 23, 2002**

(65) **Prior Publication Data**

US 2004/0119389 A1 Jun. 24, 2004

(51) **Int. Cl.**[7] **A47B 88/00**
(52) **U.S. Cl.** **312/351; 312/257.1; 312/334.8**
(58) **Field of Search** 312/257.1, 263, 312/350, 351, 330.1, 334.7, 334.8, 216, 217, 220

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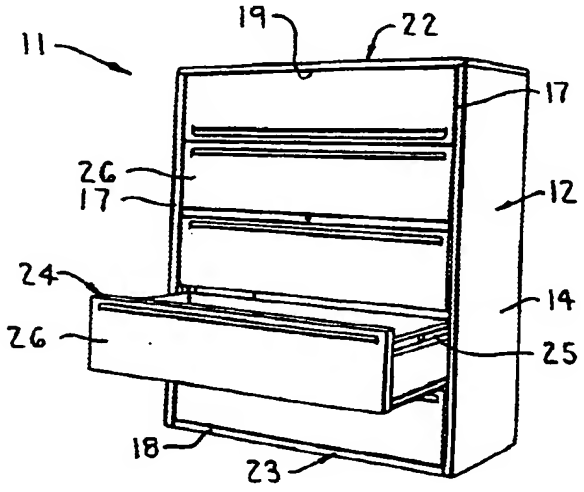
(57) **ABSTRACT**

A lateral file having a cabinet structure which provides improved rigidity against racking, including an improved base associated with a hollow boxlike housing. The base is preferably defined as a closed hollow box which extends across the bottom of the housing. The closed hollow box additionally has wall structure which defines closed tubelike channels extending lengthwise along opposite edges thereof.

26 Claims, 6 Drawing Sheets



Serial No. 10/750,936

EXHIBIT C1

US006871742B1

(12) **United States Patent**
Paik

(10) **Patent No.: US 6,871,742 B1**
(45) **Date of Patent: Mar. 29, 2005**

(54) **FREE STANDING HOLDER FOR HOLDING FLAT ARTICLES SUCH AS PRINTED MATTER**

(76) Inventor: Harry S. Paik, 3357 Conrad Dr., Bend, OR (US) 97701

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 156 days.

(21) Appl. No.: 10/235,388

(22) Filed: Sep. 3, 2002

(51) Int. Cl.[7] B65D 73/00
(52) U.S. Cl. 206/470; 206/471; 206/449
(58) Field of Search 206/467, 470, 206/471, 449, 454, 425

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D469,348	S *	1/2003	Demus et al.	D9/415

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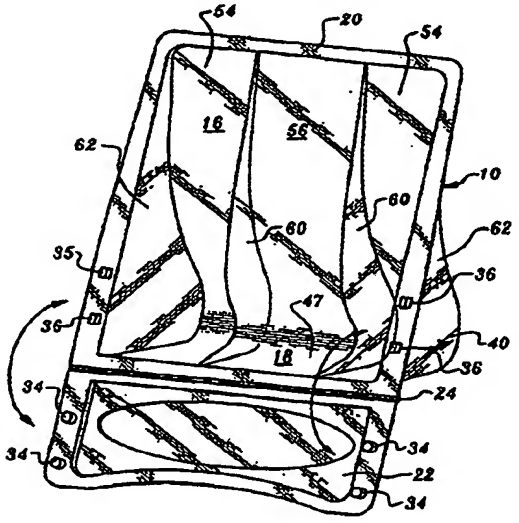
Primary Examiner—Shian T. Luong
(74) *Attorney, Agent, or Firm*—Thomas R. Lampe

(57) **ABSTRACT**

A free standing holder includes a holder back, a holder bottom and a holder front defining a holder interior. The holder includes molded support legs formed by the holder back and holder bottom and the holder bottom has an inclined flat article engagement surface for promoting forward movement of the flat articles in the holder interior.

7 Claims, 2 Drawing Sheets



a horizontal support surface to support the holder. The holder bottom 18 includes a flat article engagement surface 42 inclined downwardly in the direction of the holder front for promoting movement of the flat articles in the holder interior toward the holder front. The front panel is engageable by the flat articles to limit forward movement thereof. The holder defines an access opening 50 adjoining the front panel 22 and communicating with the holder interior to facilitate manual access to and removal of the flat articles disposed on edge on the engagement surface 42.

Each of the support legs 40 is smoothly curved at the juncture of the holder back and the holder bottom. Each support leg includes a support leg central panel 54 projecting rearwardly of a back central panel 56 located between the support legs. Each support leg also includes a pair of spaced support leg side panels 60, 62. Each of the support leg side panels 60 extends between and interconnects its respective associated support leg central panel 54 and the back central panel 56. Each of the support leg side panels 62 extends between and interconnects its associated support leg central panel 54 with the holder front.

The back central panel 56, the support leg side panels 60, 62 and the support leg central panels 54 define three generally vertically oriented channels having generally U-shaped cross-sectional configurations and which are disposed side-by-side. This arrangement in conjunction with the interconnected stiffener projection 20 and connected front panel 22 forms a strong, rigid construction. The support legs 40 and the hinge 24 located at the bottom of stiffener projection 20 provide a stable three point support for the holder and flat articles held thereby, the bottom of the hinge acting as an elongated support engagement surface.

The invention claimed is:

1. A free standing holder of unitary molded plastic construction for positioning on a horizontal support surface and for holding flat articles to maintain the flat articles on edge in a generally vertical orientation for manual access and removal by individuals while the flat articles are maintained on edge in a generally vertical orientation, said holder comprising, in combination:

a holder back;

a holder bottom integral with and projecting forwardly from said holder back; and

a holder front spaced from said holder back, said holder back, said holder bottom and said holder front defining a holder interior for accommodating said flat articles, said holder back and said holder bottom forming at least one rearwardly projecting support leg for engagement with a horizontal support surface to support said holder and said holder bottom including a flat article engagement surface inclined downwardly in the direction of said holder front for promoting movement of the flat articles in said holder interior toward said holder front, said holder front including a front panel and an outwardly radiating stiffener projection at least partially surrounding said holder interior, said front panel connected by a hinge to said stiffener projection and selectively movable between a first position wherein said front panel partially covers said holder back and limits forward movement of said flat articles while the flat articles are maintained on edge and a second position wherein said front panel does not limit forward movement of the flat articles, said holder defining an access opening adjoining said front panel communicating with said holder interior and allowing manual access to said flat articles when the flat articles are disposed on edge in a generally vertical orientation and said front panel is in said first position, said holder back and said holder bottom forming at least two spaced, rearwardly protecting support legs for engagement with a horizontal support surface to support said holder.

2. The holder according to claim 1 wherein said holder includes a support engagement surface spaced from said support legs for positioning on and engagement with the horizontal support surface to support the holder.

3. The holder according to claim 1 additionally comprising locking detents and locking indents cooperable to selectively releasably lock said front panel in said first position.

4. The holder according to claim 1 wherein said support legs are smoothly curved at the juncture of said holder back and said holder bottom.

5. The holder according to claim 1 wherein said front panel has flat ends for abutting face-to-face engagement with said stiffener projection.

6. A free standing holder of unitary molded plastic construction for positioning on a horizontal support surface and for holding flat articles to maintain the flat articles on edge in a generally vertical orientation for manual access and removal by individuals, said holder comprising, in combination:

a holder back;

a holder bottom integral with and projecting forwardly from said holder back; and

a holder front spaced from said holder back, said holder back, said holder bottom and said holder front defining a holder interior for accommodating said flat articles, said holder back and said holder bottom forming at least one rearwardly projecting support leg for engagement with a horizontal support surface to support said holder and said holder bottom including a flat article engagement surface inclined downwardly in the direction of said holder front for promoting movement of the flat articles in said holder interior toward said holder front, said holder back and said holder bottom forming at least two spaced, rearwardly projecting support legs in engagement with a horizontal support surface to support said holder, said holder back including a back central panel located between said support legs, each of said support legs including a support leg central panel projecting rearwardly of said back central panel and a pair of spaced support leg side panels, one of said support leg side panels of each pair of support leg side panels extending between and interconnecting said support leg central panel and said back central panel and the other support leg side panel of each pair of support leg side panels extending between and interconnecting its associated support leg central panel with said holder front.

7. The holder according to claim 6 wherein said back central panel, said support leg side panels and said support leg central panels define three generally vertically oriented channels having generally U-shaped cross-sectional configurations and disposed side-by-side.

* * * * *